

## **Voting Residency Guidelines for Members of the Uniformed Services and Their Family Members**

Foremost, you should keep in mind that Uniformed Service personnel and their family members may not arbitrarily choose which state to declare as their legal voting residence without meeting the state's residency requirement. The following are basic guidelines to follow in determining residency for military personnel and their family members:

- You must have or had physical presence in the state and simultaneously the intent to remain or make the state your home or domicile.
- You may only have one legal residence at a time, but may change residency each time you are transferred to a new location. You must make a conscious decision to change residency; it cannot be done accidentally. There must be certain specific actions which may be interpreted as conscious decisions, e.g., registering to vote, registering a car, qualifying for in-state tuition, etc.
- Once residence is changed, you may not revert to the previous residence without re-establishing new physical presence and intent to remain or return.

"Home of Record" should not be confused with legal residence. "Home of Record" is the address a military member had upon entry into the Service. It does not change. "Home of Record" and legal residence may be the same address, and usually are, when a person enters military service. It can remain so even though the person or his/her relatives no longer live at that location, as long as the military member has not established a residence elsewhere after entering on active duty. If a military member changes legal residence after entering on active duty, he/she may not revert to claiming the "Home of Record" as legal residence without re-establishing physical presence and intent to remain in or return to that state.

Family members of active duty military personnel may each have a different legal residence. A spouse does not automatically assume the legal residence of the active duty member upon marriage. The spouse must meet the physical presence and intent to remain or return criteria. Minors typically assume the legal residence of either parent, and when they become 18, they also have the option of establishing their own legal residence which can be different from either parent, assuming they have met the guidelines of physical presence and intent to remain or return.

These are general guidelines for determining your legal residency for voting purposes. Consult your legal or JAG officer for specifics.

Questions regarding the above which cannot be answered locally may be referred to the Director, Federal Voting Assistance Program, Department of Defense, Washington Headquarters Services, 1155 Defense Pentagon, Washington DC 20301-1155. Reach the FVAP via e-mail at [vote@fvap.ncr.gov](mailto:vote@fvap.ncr.gov) or call on (703) 588-1584, toll-free 1-800-438-8683, or DSN (military) 425-1584.